

UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF VERMONT

Edson Miranda,	:	
Petitioner,	:	
	:	
v.	:	File No. 1:07-CV-164
	:	
Bureau of Immigration and	:	
Customs Enforcement	:	
District Director,	:	
Franklin County Sheriff,	:	
Franklin County Jail	:	
Warden,	:	
Respondents.	:	

OPINION AND ORDER
(Papers 1 and 4)

Petitioner Edson Miranda, proceeding *pro se*, has filed a petition for writ of habeas corpus. At the time of his filing, Miranda was in the custody of U.S. Immigration and Customs Enforcement ("ICE") and was being detained at the Franklin County Jail. Miranda has since been released on conditions pending execution of a removal order against him. In light of Miranda's release, the government has moved to dismiss the petition as moot.

Miranda's petition argued that he was being wrongfully held. His only request for relief was to be released from ICE custody. He informed the Court that he was not a flight risk or a danger to the community, and that if released he would live with his sister in Brockton, Massachusetts.

Courts in this Circuit have generally held that when a habeas petitioner challenges only the lawfulness of his detention, subsequent release renders the petition moot. See, e.g., Baptiste v. I.N.S., 2006 WL 3050884, at *2 (E.D.N.Y. Oct. 23, 2006); Williams v. I.N.S., 2005 WL 1994102, at *2 (S.D.N.Y. Aug. 18, 2005); Francois v. I.N.S., 2004 WL 1900432, at *1 (D. Conn. Aug. 17, 2004) (petition deemed moot where petitioner was placed on supervised release pending execution of removal order). Because Miranda is no longer being detained, the government's motion to dismiss (Paper 4) is GRANTED, Miranda's petition (Paper 1) is DENIED as moot, and this case is DISMISSED.

SO ORDERED.

Dated at Brattleboro, in the District of Vermont, this 18th day of December, 2007.

/s/ J. Garvan Murtha
J. Garvan Murtha
United States District Judge